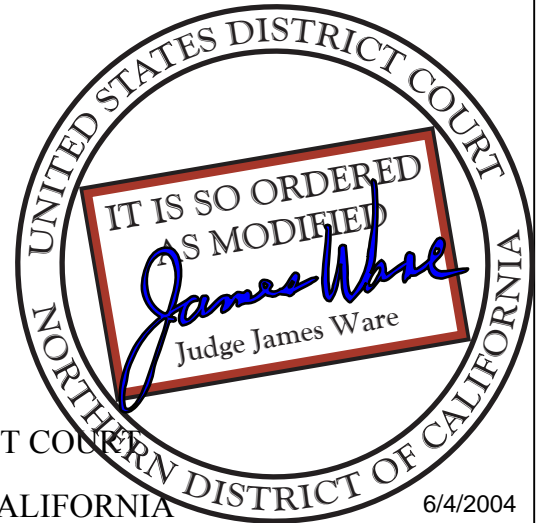


ROGERS JOSEPH O'DONNELL
THOMAS H. CARLSON (State Bar No. 121367)
AARON P. SILBERMAN (State Bar No. 161021)
311 California Street
San Francisco, California 94104
Telephone: 415.956.2828
Facsimile: 415.956.6457

Attorneys for Plaintiffs
21X CAPITAL LTD. and DAVID A.
BREWER



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

21X CAPITAL LTD.; DAVID A.
BREWER,

Plaintiffs,

vs.

ROBERT WERRA; JOHN WERRA; 20/20
TECHNOLOGIES, INC. and DOES 1-50,
inclusive,

Defendants.

Case No. C06-04135 JW (HRL)

**STIPULATION REGARDING CASE
MANAGEMENT CONFERENCE**

Date: June 11, 2007
Time: 10:00 a.m.
Dept. 8

Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert Werra and John Werra (collectively, "the Parties"), by and through their attorneys of record, file this stipulation in connection with a June 11, 2007 case management conference. Plaintiffs' counsel calendared this date with the Court's clerk, who suggested that a brief stipulation be filed.

This is an alter ego action in which plaintiffs allege that defendants John and Robert Werra are the alter egos of RJW Acquisitions, L.C. ("RJW"). (Plaintiffs are in the process of dismissing defendant 20/20 Technologies, Inc. and will do so once certain conditions are met.) A state court judgment of approximately \$1.5 million (exclusive of attorney's fees and costs) was rendered against RJW, and RJW then filed for bankruptcy in

1 the United States Bankruptcy Court for the Eastern District of Texas (Sherman Division)
2 (case no. 06-40238). In light of those bankruptcy proceedings the Parties had earlier
3 stipulated to stays of this action. Specifically, by stipulation and orders entered on July 25,
4 2006, November 16, 2006 and February 12, 2007, this Court had approved the Parties'
5 requested stays and had vacated all the dates set forth in the July 3, 2006 "order setting initial
6 case management conference and ADR deadlines". The Court also took defendants' pending
7 motion to dismiss or transfer venue off calendar and the matter had been stayed before an
8 opposition to such motion had been filed (and, thus, before there had been a reply, a hearing
9 or a ruling on such motion).

10 The RJW bankruptcy matter is now winding up and the Parties agree that it is
11 now appropriate for this case to move forward again.

12 The Parties respectfully submit that the first order of business at the case
13 management conference should be the re-setting of the pending motion to dismiss.
14 Defendants have retained Kecker & Van Nest as new counsel. As almost a year has passed
15 since Defendants filed their motion to dismiss or transfer, new counsel would like an
16 opportunity to review all circumstances that may bear on the motion and, if appropriate, file a
17 fresh set of papers in support of it, updating the grounds for the motion as warranted.
18 Plaintiffs believe that new counsel inherits the case as is and that a substitution should not
19 necessarily justify re-doing what has gone before. Regardless of whether a new motion is
20 filed or the extant motion opposed, the Parties would like to discuss various issues regarding
21 the possible hearing dates.

22 Furthermore, unless this is deferred to the hearing date on the motion to
23 dismiss (or some other date), the Parties also believe that it may be timely to calendar and
24 discuss matters relating to initial disclosures, further case management conferences and

25 //

26 //

27 //

28 //

1 further dates relating to case management and trial.

2 **IT IS SO STIPULATED.**

3 For Plaintiffs:

4 Dated: May 31, 2007

ROGERS JOSEPH O'DONNELL

5 By: /s/ THOMAS H. CARLSON

6 Attorneys for Plaintiffs 21X CAPITAL LTD. and
7 DAVID A. BREWER

8 For Defendants:

9 Dated: May 31, 2007

KEKER & VAN NEST


10 By: /s/ JON STREETER

11 Attorneys for Defendants ROBERT WERRA and
12 JOHN WERRA

13 IT IS SO ORDERED:

14 The Case Management Conference is continued to 6/18/2007 at 10:00 AM. A Joint Case Management
15 Statement shall be due by 6/8/2007.

16 Date: 6/4/2007

17 
18 U.S. District Court
19 Judge James Ware
20
21
22
23
24
25
26
27
28